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December 9, 2019

BY ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Anthony House v. City of New York, et al.
18-CV-6693 (PAE)

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, the attorney assigned to represent defendants City of New York and the Department of Correction (“City Defendants”) in the above-referenced matter. On behalf of all parties, City Defendants write to respectfully request permission to file the Joint Statement of Stipulated Facts under seal. A redacted version of this document was filed on ECF on December 6, 2019, in accordance with Your Honor’s order dated November 12, 2019.

The document the parties seek to file under seal incorporates information that has been deemed Confidential pursuant to the Protective Order endorsed by the Court on October 23, 2019. *See* ECF No. 64. In relevant part, the Protective Order states that “‘Confidential Materials’ shall mean DOC personnel and disciplinary-related records and information related to Defendants Seepaul.” The Protective Order further states that:

If any paper which incorporates and Confidential Materials or reveals the contents thereof is filed in this Court, those portions of the papers shall be filed under seal, in accordance with the rules of the District Court in which the Action is filed and/or the Individual Rules of the judge to whom the papers are directed.

Although there is a presumption of public access to the redacted portions of the document, that presumption is outweighed by “the privacy interests of those resisting disclosure.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir 2006). The parties

respectfully submit that the *Lugosch* standard is met here, where countervailing considerations of the defendant Seepaul's privacy and reputational interests are sufficient to overcome the weak presumption of access that attaches to these records. *See Lugosch*, 435 F.3d at 121 (countervailing factors include, among others, the privacy interests of those resisting disclosure); *see also* ECF No. 57 dated October 17, 2019 (granting the plaintiffs' request to file disciplinary related documents under seal in the instant case.)

As such, the parties respectfully requests that the Court grant them permission to file the Joint Statement of Stipulated Facts under seal. Thank you for consideration of the matter herein.

Respectfully submitted,



Valerie E. Smith
Senior Counsel
Special Federal Litigation Division

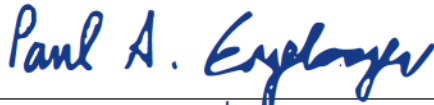
cc: Via ECF
Devon Radlin Esq.
Attorney for Plaintiff

Sonia Chazen Esq.
Attorney for Co-defendant Seepaul

The Court directs the parties to submit via email an unredacted version of the joint statement of stipulated facts that highlights the portions of the statement redacted in the version filed on ECF. After reviewing the proposed redactions, the Court will rule on the request to file the joint statement of stipulated facts under seal.

12/10/2019

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge